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**United States Environmental
Protection Agency**
Office of Wetlands, Oceans, and Watersheds
Washington, D.C. 20460

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United States Department of the Army
U.S. Army Corps of Engineers
Washington, D.C. 20314

Guidance for Corps and EPA Field Offices Regarding
Clean Water Act Section 404 Jurisdiction Over Isolated Waters
in Light of United States v. James J. Wilson

On December 23, 1997, the U.S. Court of Appeals for the Fourth Circuit issued a decision in the case of United States v. Wilson, 133 F.3d 251 (4th Cir. 1997)), which addressed Clean Water Act jurisdiction over isolated water bodies. On May 28, 1998, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) issued guidance to explain the Wilson decision, and to provide specific guidance applicable to jurisdiction involving isolated water bodies within Fourth Circuit states. Supplemental information was issued on June 26, 1998. On January 9, 2001, the U.S. Supreme Court issued a ruling in Solid Waste Association of Northern Cook County v. U.S. Army Corps of Engineers, (No. 99-1178, decided January 9, 2001) (SWANCC).

EPA and the Corps of Engineers now withdraw, in order to allow for reconsideration in light of the U.S. Supreme Court's ruling in SWANCC, the Wilson Guidance issued on May 28, 1998, and supplemental information on June 26, 1998.

EPA and the Corps are developing information on the legal scope and implications of the decision in SWANCC, which should be available shortly.

If you have any questions, please contact Donna Downing at (202) 260-8795 at EPA, or Sam Collinson at (202) 761-4594 at the Corps.

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